

## **REMARKS**

### **Amendments**

#### ***Amendments to the Claims***

Applicant has amended the independent claims to incorporate Applicant's definition of a "layer of abstraction" from the specification, page 8, line 21 through page 9, line 3. No new matter has been added as a result of these amendments. Applicant further respectfully submits that no new issues are raised by the amendment because the term "layer of abstraction" should have been interpreted as defined in the specification by the Examiner in searching for prior art and in drafting the present Office Action.

### **Rejections**

#### ***Rejections under 35 U.S.C. § 112, second paragraph***

##### **Claims 1-21**

Claims 1-21 stand rejected under 35 U.S.C. § 112, second paragraph because independent claim 1 recites "A method" and independent claims 11 and 12 each recite "A system." The Examiner states that the independent claims lack proper antecedent basis for the limitations "method" and "system." Applicant respectfully submits that the indefinite article "A" requires no antecedent basis and that "method" and "system" denote the category of the claims. Thus, claims 1-21 are not indefinite for lack of proper antecedent basis. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 1-21 under 35 U.S.C. § 112, second paragraph.

#### ***Rejections under 35 U.S.C. § 101***

Claims 1-21 stand rejected under 35 U.S.C. § 101. Applicant has amended the preamble of independent claims 1 and 12 to indicate that method of claim 1 is to be performed on a computer and that the system of claim 12 is a computer.

Applicant respectfully points out to the Examiner that claim 11 is a 35 U.S.C. § 112, paragraph 6 claim. As a result, the Examiner is required to interpret the means of claim 11 in light of the corresponding structure disclosed in the specification. Since the corresponding structure is electronic (*see* page 7, lines 9-19, and page 14, line 14 through

page 15, line 15), claim 11 is statutory. Nonetheless, Applicant has amended the preamble of claim 11 to recite an electronic system for the sake of clarity.

Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 1-21 under 35 U.S.C. § 101.

### **Claims 1-22**

Claims 1-22 stand rejected under 35 U.S.C. § 103(a) as being obvious over Applicant's background section (APA) in view of U.S. Patent 6,223,183 to Smith, et al. Applicant respectfully submits that the combination does not teach each and every element of the invention as claimed in claims 1-22.

The APA discloses description schemes containing a set of descriptions that describe audiovisual content. Such descriptions can be either concrete or abstract. If a description is concrete, it is tied to particular piece of audiovisual content. If a description is abstract, it is a generalization of content. The APA also discloses multiple abstraction types. The Background section concludes by pointing out the prior art has no mechanism to indicate if a description is an abstraction, and no mechanism to identify the type of abstraction.

Smith discloses an abstraction layer that interfaces between content description schemes and storage formats for the content. The abstraction layer is represented as a description scheme for space and frequency views that correlates the description schemes and the stored content.

Applicant respectfully submits that the Examiner has misinterpreted Applicant's Background section by asserting the APA discloses determining the abstraction level. The APA teaches that there are multiple abstraction types, but not that the level of abstraction can be determined electronically as claimed. Indeed, Applicant concludes the Background section with a statement contrary to the Examiner's assertion.

In addition, the Examiner is relying on Smith as disclosing the storing of an indicator of the level of abstraction as claimed. However, Smith teaches only one layer of abstraction, the space and frequency view type. Since there is only one abstraction layer, Smith does not need to indicate the abstraction type, and Smith cannot be properly

interpreted as teaching or suggesting that an indicator of a level of abstraction as claimed is created, much less stored.

Therefore, Applicant respectfully requests the withdrawal of the rejection of claims 1-22 under 35 U.S.C. § 103 over the APA and Smith.

### **SUMMARY**

Claims 1-22 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Sue Holloway at (408) 720-8300 x309.

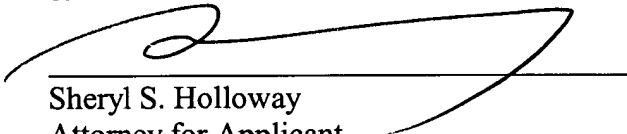
### **Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

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Dated: June 14, 2005



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